

**Appl. No.** : 10/066,414  
**Filed** : February 1, 2002

**IN THE CLAIMS:**

Please cancel Claims 13-15 without prejudice or disclaimer.

Please enter corrected original Claims 2 and 11 as follows:

2. The exhaust system in accordance with claim 1, wherein there is a separate exhaust manifold associated with each cylinder bank, each of said exhaust manifolds having a collector section terminating at a common outlet formed at the lower end of said engine.

11. The exhaust system for an engine having a cylinder block having a first cylinder head connected thereto and cooperating therewith to define a first cylinder bank containing at least one cylinder and a second cylinder head connected thereto and cooperating therewith to define a second cylinder bank containing at least one cylinder, said first and second banks arranged generally in a "V" shape and having a valley therebetween, a main exhaust passage defined within said valley by said cylinder heads and cylinder block and extending through said valley to an end of said engine and at least one passage extending from each cylinder through its respective cylinder head inwardly to said main exhaust passage, said engine including a lubricant passage and a coolant passage extending through said valley, said coolant passage being positioned between said lubricant passage and said main exhaust passage.

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#### COMMENTS

Claims 1-12, 16-18, and 20 remain pending in the present application, Claims 13-15 having been canceled without prejudice or disclaimer, and original Claims 2 and 11 having been re-submitted herewith.

#### A Supplemental Declaration Is Filed Herewith.

Claims 1-18 and 20 stand rejected as being based upon a defective re-issue declaration. In response to this rejection, Applicants have again submitted the executed supplemental re-issue declaration originally submitted with the Amendment After Final dated January 21, 2004, which includes the language suggested by the Examiner on page 3 of the outstanding Official Action. The present rejection is now moot.

Additionally, Applicants submit that no further Supplemental Declaration is needed as the present filing does not change the text of the claims. Rather, the present response merely corrects a typographical error in the response dated July 21, 2003.

#### Claims 13-15 Do Not Constitute No Matter.

Claims 13-15 stand rejected under 35 U.S.C. § 251 as being based upon new matter. Applicants respectfully traverse this rejection. However, in order to expedite prosecution of the present re-issue application, Applicants have cancelled Claims 13-15 without prejudice or disclaimer. Thus, the present rejection is moot. Applicants expressly reserve the right to further prosecute the subject matter of Claims 13-15 through continuation practice.

#### Claims 13-15 Are Directed To An Invention Disclosed In The Original Patent.

Claims 13-15 seen rejected under 35 U.S.C. § 251 as not being for the same invention as that disclosed in the original patent. Applicants respectfully traverse this rejection. However, in order to expedite prosecution on the present application, Claims 13-15 have been cancelled without prejudice or disclaimer. Thus, the present rejection is moot. Applicants, as noted above, expressly reserve the right to continue prosecution of Claims 13-15 through continuation practice.

#### Corrected Drawings

Applicants gratefully acknowledge the Examiner's indication that the drawing corrections filed "July 23, 2003" (submitted with the amendment filed July 21, 2003) have been approved. Thus, Applicants have submitted herewith corrected formal drawings including the corrections noted above.

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Nakai, et al. Does Not Anticipate Claims 13-14.

Claims 13 and 14 stand rejected under 35 U.S.C. § 102(b) is being anticipated by Nakai, et al. Applicants respectfully traverse this rejection. However, in order to expedite prosecution of the present application, Claims 13 and 14 have been cancelled without prejudice or disclaimer. Thus, the present rejection is moot. Applicants expressly reserve the right to continue prosecution of Claims 13 and 14 through continuation practice.

Examiner's Reasons For Allowance of Claims 16-18 and 20.

Applicants appreciate the Examiner's explanations regarding the withdrawal of the rejections of Claims 16-18 and 20. However, Applicants disagree with the Examiner's explanations to the extent that the explanations depart from the corresponding claim language. Additionally, Applicants submit that the explanations which do not depart from the corresponding claim language, are not the only reasons why Claims 16-18 and 20 are patentable over the prior art of record.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped

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issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,  
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 15, 2004

By:  \_\_\_\_\_

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